

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

DAVID GARLAND ATWOOD, II

PLAINTIFF

v.

CIVIL ACTION NO.  
3:16-cv-00223-DPJ-FKB

CITY OF VICKSBURG

DEFENDANT

ORDER

This cause came on this date to be heard upon the Report and Recommendation [13] of the United States Magistrate Judge, after referral of hearing by this Court. Magistrate Judge F. Keith Ball considered the City of Vicksburg's Motion to Dismiss [10], along with David Garland Atwood's Response [11]. Judge Ball concluded that the City's Motion should be granted without prejudice. Plaintiff Garland did not file an Objection, and the time to do so has passed. The Court, having fully reviewed the unopposed Report and Recommendation of the United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted.

IT IS, THEREFORE, ORDERED that the Report and Recommendation [13] of United States Magistrate Judge F. Keith Ball be, and the same is hereby, adopted as the finding of this Court. The City's Motion to Dismiss [10] is granted without prejudice; and Atwood's remaining Motion for Expedited Ruling [12] is denied as moot.

A separate judgment will be entered herein in accordance with the Order as required by Rule 58 of the Federal Rules of Civil Procedure.

**SO ORDERED AND ADJUDGED** this the 14<sup>th</sup> day of September, 2016.

s/ Daniel P. Jordan III  
UNITED STATES DISTRICT JUDGE